

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER T. BORN, M.D. : CIVIL ACTION

:

v. :

:

WILLIAM IANNAcone, M.D., :

ROBERT DALSEY, M.D., :

LAWRENCE DEUTSCH, M.D., :

JOHN CATALANO, M.D., and :

THE COOPER HEALTH SYSTEM :

d/b/a COOPER HOSPITAL/ :

UNIVERSITY MEDICAL CENTER : NO. 97-5607

MEMORANDUM AND ORDER

HUTTON, J. May 25, 1999

Presently before the Court are Defendant The Cooper Health System d/b/a Cooper Hospital/University Medical Center's Motion for Reconsideration of this Court's May 5, 1999 Order (Docket No. 49), the response thereto by Plaintiff Christopher T. Born, M.D. (Docket No. 50), Defendant's Cross Motion for a Protective Order (Docket No. 46), and Plaintiff's response thereto (Docket No. 48). For the reasons stated below, Defendant's Motion for Reconsideration is

DENIED and Defendant's Cross Motion for Protective Order is **DENIED**.

I. DISCUSSION

A. Motion for Reconsideration

On April 12, 1999, the Plaintiff, Christopher T. Born, M.D., filed a motion requesting this Court to compel discovery against Defendant The Cooper Health System ("Cooper" or "Defendant"). Instead of filing a response to the Plaintiff's Motion to Compel, the Defendant submitted an ex parte letter to the Court in violation of the rules governing pleadings and this Court's Pretrial Procedures. Thus, by Order entered May 5, 1999, this Court granted Plaintiff's Motion to Compel Production of Documents as uncontested pursuant to Local Rule 7.1(c). E.D. Pa. R. Civ. P. 7.1(c). In the instant motion, the Defendant requests that the Court reconsider that Order.

Generally, a motion for reconsideration will only be granted if: (1) there has been an intervening change in controlling law; (2) new evidence, which was not previously available, has become available; or (3) it is necessary to correct a clear error of law or to prevent manifest injustice. McDowell Oil Service v. Interstate Fire & Casualty Co., 817 F. Supp. 538, 541 (M.D. Pa. 1993). A motion for reconsideration is not a method to reargue issues already considered and disposed of by the court. Id. This Court finds that Defendant's arguments have been fully resolved in the Court's May 5, 1999 Order, and, accordingly, the Court will not reconsider that Order.

B. Motion for Protective Order

Defendant's Cross Motion for Protective Order moves for a protective order protecting Cooper's proprietary and private information and to bar production of the individual non-parties' confidential and privileged information pursuant to Federal Rule of Civil Procedure 26(c). Defendant's Cross Motion is both procedurally deficient and devoid of substance.

As stated above, Plaintiffs Motion to Compel filed on April 12, 1999, was granted as uncontested. This Court's May 5, 1999 Order required the Defendant to produce all documents requested in Plaintiff's "Restated Request for Production" within ten (10) days from the date of that Order. Defendant's Cross Motion was filed on May 3, 1999, thus too late to constitute a response to Plaintiffs' Motion to Compel. See Local Rule 7.1(c) ("any party opposing the motion shall serve a brief in opposition, together with such answer or other response which may be appropriate, within fourteen (14) days after service of the motion and supporting brief"). The proper method to contest a decision of this Court is to file a motion for reconsideration, which Defendant did on May 5, 1999. See Local Rule 7.1(g). Thus, the instant motion may be denied for failing to abide by the rules governing motion practice. See Local Rule 7.1(c) and 7.1(g).

Nonetheless, Defendant's Cross Motion may be denied for substantive reasons as well. The Court may not grant a protective order absent a showing of good cause. See Fed. R. Civ. P. 26(c). Although Federal Rule of Civil Procedure 26(c)(7) provides authority for the protection of trade secrets and other confidential commercial information, the parties must demonstrate specifically, through an application of the factors enumerated in Pansy v. Borough of Stroudsburg, 23 F.3d 772 (3d Cir. 1994) and Glenmede Trust Co. v. Thompson, 56 F.3d 476 (3d Cir. 1995), that

disclosure would work a clearly defined and serious injury upon them. See Glickstein v. Neshaminy School Dist., 1998 WL 83976 (E.D. Pa. February 26, 1998) (Hutton, J.) (detailing standard for grant of confidentiality order). Defendant's motion fails to address any of the factors enumerated in Pansy and Glenmede. Indeed, Defendant's Cross Motion merely "relies on the memorandum of law and accompanying papers," none of which address these issues. Thus, Defendant's Cross Motion fails to show good cause for issuing a protective order. Accordingly, Defendant's Cross Motion for Protective Order is denied.

An appropriate Order follows.

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ORDER

AND NOW, this 25th day of May, 1999, upon consideration of Defendant The Cooper Health System d/b/a Cooper Hospital/University Medical Center's Motion for Reconsideration of this Court's May 5, 1999 Order (Docket No. 49), the response thereto by Plaintiff Christopher T. Born, M.D. (Docket No. 50), Defendant's Cross Motion for a Protective Order (Docket No. 46), and Plaintiff's response thereto (Docket No. 48), IT IS HEREBY ORDERED that Defendant's Motion for Reconsideration is **DENIED** and Defendant's Cross Motion for Protective Order is **DENIED**.

BY THE COURT:

HERBERT J. HUTTON, J.